

III. REMARKS

1. Claims 1-9 are pending in this application. Claim 1 is amended.

2. Claim 1 is amended to overcome the objection. It is noted that the amendment to claim 1 is not being made for patentability purposes and does not raise any issues of estoppel.

3. Claims 1-3 and 7-9 are patentable under 35 U.S.C. 103(a) over Tschiderer (US 5,363,998) in view of Ladds (US 4,155,643) and Haydock (US 2,963,761). Claim 1 recites in part, a mail item receiving device having a support plate on which mail items ejected from a mail device will accumulate where the rear wall comprises hooking means configured to cooperate with feet of a folding and inserting machine for connecting the receiving device to the folding and inserting machine. These features are not disclosed or suggested by the combination of Tschiderer, Ladds and Haydock.

Tschiderer is directed to devices for handling fan fold paper and discloses a tray for use with a mechanism for feeding fan fold paper along a predetermined travel path by a fan fold handling device (Col. 1, L. 6-10). The restacking tray (20) is configured to assure that the fan fold paper is restacked into a neat compact pile as found in the supply hopper (18). The restacking tray (2) includes an upstanding wall member (40) that extends toward the tractor drive assembly (16). (Col. 2, L. 55-61). The restacking tray (20) also includes a floor member (42) located in juxtaposition with the upstanding wall member (40). The floor member (42) has a first portion (42a) and a second portion (42b). (Col. 3, L. 3-6). As fan fold paper (14) is fed from the fan

fold handling device the lead edge of the first panel (14a) of the paper (14) contacts the upstanding wall member (40) and is constrained to slide down the wall member (40) until the lead edge (14a) of the panel contacts the first portion (42a) of the floor member (42) at the intersection of the first portion (42a) and the upstanding wall member (40) (Col. 3, L. 14-33; Fig. 3b). The first panel (14a) snaps into a horizontal position rest position on the floor member (42) carrying the second panel with it because of the angle formed between the first portion (42a) and the wall member (40) (Col. 3, L. 34-45). The angle formed between the first portion (42a) and the second portion (42b) of the floor member (42) assures that the panels in the rest position on the floor member (42) will neatly stack and remain in juxtaposition with the upstanding wall (40) (Col. 3, L. 51 - Col. 4, L. 4).

Nowhere is there any disclosure in Tschiderer of a mail item receiving device having a support plate on which mail items ejected from a mail device will accumulate where the rear wall comprises hooking means configured to cooperate with feet of a folding and inserting machine for connecting the receiving device to the folding and inserting machine as recited in Applicant's claim 1. Tschiderer only discloses a fan fold paper tray for neatly stacking fan fold paper fed along a predetermined travel path by a fan fold handling device. As can be seen in Figures 3a-3e in Tschiderer, the fan fold paper is driven vertically downward so that the leading edge of the fan fold paper is forced into the corner formed by the upstanding wall (40) and floor member (42) such that bending moments in the paper cause the folding and stacking of the fan fold paper. As can be seen in Figure 1 of Tschiderer, if individual items (i.e. not fan fold paper) were "ejected" from the production apparatus (10), the

ejected items would not even fall into the tray given the configuration of the tray. In Tschiderer the fan fold paper feeding device (12) is needed to drive and direct the fan fold paper into the tray. Further, both the tray and the feeding device in Tschiderer are located away from the point at which the fan fold paper exits the production apparatus (10), thus individual items exiting the apparatus (10) would not be directed into the feeding device or the tray but would rather fall from the apparatus without entering the feeding device or the tray. In addition, Tschiderer is silent as to how the restacking tray is attached to the fan fold paper handling device.

Claim 1 further recites a rear wall, joined to the support plate and two lateral walls, configured to align these mail items once they have fallen on the support plate. This feature is not disclosed by Tschiderer.

In Tschiderer all that is disclosed is that "with the lead edge of the first panel 14a constrained within the acute angle formed between the upstanding wall member 40 and the first portion 42a of the floor member 42, continued transport of the fan fold paper 14 by the tractor drive assembly 16 (acting on second panel 14b) causes the first panel 14a to take the form of a flat spring which is bent (see FIG. 3c) to store energy therein as a spring force. When the spring force of the first panel 14a exceeds the drive force on the second panel 14b, the first panel will snap into a substantially horizontal rest position on the floor member 42, carrying the second panel therewith (see FIG. 3d). The third panel 14c, urged in the fan fold paper travel path by the tractor drive assembly 16, drives the second panel 14b into its rest position, while the fourth panel 14d drives the third panel 14c

toward engagement with the intersection of the upstanding wall member and the floor member" (Col. 3, L. 34-51).

In Tschiderer there is no disclosure whatsoever that the restacking tray (20) aligns mail items that have fallen onto the support plate as recited in Applicant's claim 1. The upstanding wall member (40) and floor member (42) merely serve to facilitate the folding of the paper. As noted above, the paper in Tschiderer is fan fold paper (i.e. one continuous sheet of paper) and as the paper is folded in the tray, because it is one continuous sheet of paper, the folded stack is self aligning. Furthermore, the fan fold paper of Tschiderer does not "fall" onto the restacking tray (20). Rather the fan fold paper is drivingly fed into the restacking tray (20) by the tractor drive assembly (26).

In addition, the Applicant disagrees that it would have been obvious to one of ordinary skill in the art" "to not include" the apparatus (42, 40) (shown in Fig. 2) that is used with the tray in Tschiderer. The floor member (42) and upstanding wall member (40) are the heart of the invention in Tschiderer. The fan fold paper tray would not operate as disclosed in Tschiderer if the floor member (42) and wall member (40) were removed. Because the floor member (42) and wall member (40) are necessary parts of the invention in Tschiderer, it is not obvious to remove them as the Examiner suggests.

Combining Tschiderer with Ladds and Haydock fails to remedy the above noted deficiencies for the reasons stated in Applicant's prior responses, which are incorporated herein by reference.

In particular Ladds discloses a photocopy receiver tray (32) having hooks (35, 36) for attaching the tray (32) to the copier. The tray (32) has a pair of upturned stops (38, 40) for arresting motion of delivered photocopies. The stops (38, 40) are separated by slot (42), which allows the copies to be grasped for removal. The tray bottom (34) has a downward tilt or decline towards the stops (38, 40) to aid by gravity delivery of the copies to the stops (Col. 2, L. 24-38). Nowhere does Ladds disclose or suggest a mail item receiving device having a support plate on which mail items ejected from a mail device will accumulate where the rear wall comprises hooking means configured to cooperate with feet of a folding and inserting machine for connecting the receiving device to the folding and inserting machine. Further, there is absolutely no disclosure in Ladds of a rear wall, joined to the support plate and two lateral walls, configured to align these mail items once they have fallen on the support plate as recited in Applicant's claim 1.

Haydock merely discloses a tray for attachment to a table. The tray in Haydock is not disclosed as receiving mail items nor are any features of the tray other than the clips disclosed. Moreover, nowhere does Haydock disclose or suggest the tray having "a rear wall intended to align these mail items once they have fallen on the support plate" as recited by Applicant.

Thus, because the combination of Tschiderer, Ladds and Haydock do not disclose all the features of Applicant's claim 1 as described above, claim 1 is patentable. Claims 2, 3 and 7-9 are patentable at least by reason of their respective dependencies.

4. Claim 4 is patentable under 35 U.S.C. 103(a) over Tschiderer in view of Ladds and Yamada (US 6,714,326). For the reasons

described above, the combination of Tschiderer and Ladds does not disclose all the features of Applicant's claim 1, from which claim 4 depends. Thus, it is submitted that the combination of Tschiderer, Ladds and Yamada cannot as well. Thus, claim 4 is patentable at least by reason of its dependency.

5. Claim 5 is patentable under 35 U.S.C. 103(a) over Tschiderer in view of Ladds and Firzl (US 5,454,553). For the reasons described above, the combination of Tschiderer and Ladds does not disclose all the features of Applicant's claim 1, from which claim 5 depends. Thus, it is submitted that the combination of Tschiderer, Ladds and Firzl cannot as well. Thus, claim 5 is patentable at least by reason of its dependency.

6. Claim 6 is patentable under 35 U.S.C. 103(a) over Tschiderer in view of Ladds and Yamada (JP 8-337349). For the reasons described above, the combination of Tschiderer and Ladds does not disclose all the features of Applicant's claim 1, from which claim 6 depends. Thus, it is submitted that the combination of Tschiderer, Ladds and Yamada cannot as well. Thus, claim 6 is patentable at least by reason of its dependency.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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